



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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February 21, 2013

Douglas J. Leech
907 Riverview Drive
Morgantown, WV 26505

**RE: CU13-03 / Leech / 907 Riverview Drive
Tax Map 29, Parcel 18**

Dear Mr. Leech:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced conditional use petition for "Lodging or Rooming House" use at 907 Riverview Drive. The decision is as follows:

Board of Zoning Appeals, February 20, 2013:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved your conditional use petition as requested without conditions.

The approval of this conditional use is set to expire in twelve (12) months unless you can demonstrate that it has been acted upon as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the applicant.

Please note that requisite building permits must be obtained prior to the commencement of any work.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and approval needs.

Respectfully,

Christopher M. Fletcher, AICP
Director of Development Services
cfletcher@cityofmorgantown.org

ADDENDUM A – Approved Findings of Fact

CU13-03 / Leech / 206 Spruce Street

Finding of Fact No. 1 – Congestion in the streets is not increased, in that:

In consulting with the City Engineer and the Institute of Transportation Engineers' "Trip Generation Manual – 7th Edition", it appears that the proposed change in land use from a single-tenant office building to a "Lodging or Rooming House" use will result in a negligible change in average daily and AM and PM peak times related to origination trips from and destination trips to the subject site.

Finding of Fact No. 2 – Safety from fire, panic, and other danger is not jeopardized, in that:

Fire marshal and city building code inspectors have advised the petitioner that the building is required to be retrofitted with a sprinkler system and smoke alarms prior to occupancy. So building safety should be improved upon occupancy from its current status.

Finding of Fact No. 3 – Provision of adequate light and air is not disturbed, in that:

The granting of the conditional use will not result in an addition to the existing footprint or height of the building and should therefore not affect existing light distribution and air flow patterns within the immediate area.

Finding of Fact No. 4 – Overcrowding of land does not result, in that:

The petitioner seeks to change the use classification of the existing structure and should therefore not affect the existing density or intensity of the site.

Finding of Fact No. 5 – Undue congestion of population is not created, in that:

City inspectors and fire marshal have indicated a capacity of 14 is acceptable to their standards with requisite facility improvements. This appears to be similar if all three floors of the law office were fully leased and occupied.

Finding of Fact No. 6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

Public transportation is readily available. The proposed change in use classification does not appear to require public infrastructure, public utilities, or public services beyond that which is currently available.

Finding of Fact No. 7 – Value of buildings will be conserved, in that:

Value of building to be enhanced by adding sprinkler system, smoke detectors. The petitioner intends to address deferred maintenance issues including roof leaks, porch rotted in places, etc. The Building Code and Fire Code will require significant improvements to the building as a result of the proposed change in use, which should serve to increase the safety of the 115 year old building for the petitioner's proposed use and residential and/or commercial uses in the future.

Finding of Fact #8 – The most appropriate use of land is NOT encouraged, in that:

Irrespective of the petitioner's intentions to manage the residence as a sober living home, "Lodging or Rooming House" uses exist and are permitted with conditional use approval by the Board of Zoning Appeals in the B-4 District. The petitioner's proposed conditional "Lodging or Rooming House" use will not be licensed as a halfway house. The petitioner's proposed conditional "Lodging or Rooming House" use will be occupied by unrelated individuals residing

together on a permanent or transient basis without personal care services and without separate cooking facilities for the individual occupants. The petitioner's proposed conditional "Lodging or Rooming House" use should serve to further generally accepted benefits of mixed-uses within a central business district including greater housing variety; land-use synergies and reduced distances between housing, workplaces, retail businesses, and other amenities and destinations; and, utilization of alternate modes of transportation including walking, biking, and public transit.